

**REMARKS**Information Disclosure Statement

Applicant thanks the Examiner for considering the Information Disclosure Statement submitted on 22 March 2008.

Claim status; basis for claim amendments and new claims

Applicant herein cancels claims 46-63, 66-69, 72-78, 80, 81, and 84-91 without prejudice or disclaimer, and amends claims 64, 65, 71, 79, and 82. The amendments find basis in the claims as originally filed and in the specification throughout. Accordingly, no prohibited new matter is introduced by entry of the amendments herein.

Claims allowed

Applicant respectfully acknowledges the allowance of claims 70 and 79. Applicant has amended to remove the word "the," which was inadvertantly left in the previous amendment of the claim.

Claim objections

The Office objected to claims 64, 65, 71, 82, and 83 as being dependent upon a rejected base claim, but recognized that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of outstanding claim rejections

The Office rejected claims in the outstanding action for alleged indefiniteness and for alleged obviousness, which are summarized hereafter:

- i. Claim 74 was rejected under 35 U.S.C. 112 for alleged indefiniteness, for the recitation of the limitation "the signal to noise ratio" in line 16-17;
- ii. Claims 46, 66-69, 72, 73, 77, 78, and 84-91 were rejected under 35 U.S.C. 103(a) for alleged obviousness over Green et al. (U.S. Pat. 5,853,979), in view of Dunkel (U.S. Pat. 5,572,125);

- iii. Claim 47 was rejected under 35 U.S.C. 103(a) for alleged obviousness over Green et al., in view of Dunkel, and further in view of Stanton et al. (U.S. Pat. 6,440,705);
- iv. Claims 48 -58 were rejected under 35 U.S.C.103(a) for alleged obviousness over Green et al., in view of Dunkel, and further in view of Shew et al. (U.S. Pat. 5,436,447);
- v. Claims 59-62 were rejected under 35 U.S.C.103(a) for alleged obviousness over Green et al., in view of Dunkel, and further in view of Gavin et al. (U.S. Pat. 6,586,728);
- vi. Claim 63 was rejected under 35 U.S.C. 103(a) for alleged obviousness over Green et al., in view of Dunkel, and further in view of Ferrige et al. (Rapid Communication in Mass Spectrometry, Vol. 5, p. 374-377 (1991)); and
- vii. Claims 74-76 and 80-81 were rejected under 35 U.S.C. 103 for alleged obviousness over Green et al., in view of Dunkel, and further in view of Ferrige et al. and in view of Gull et al. (IEEE Proc., Vol. 131, Pt. F. No. 6, p. 646-659, October 1984).

The claim amendments herein are introduced solely to expedite prosecution without prejudice or disclaimer of any previously claimed subject matter. Applicant has not dedicated or abandoned any unclaimed subject matter and has not acquiesced to any rejections or objections made by the Office by introducing the amendments herein. Applicant expressly reserves the right to pursue prosecution of any presently excluded or cancelled subject matter or embodiments in one or more future continuing patent applications.

#### Objection to Claims

The Office objected to claims 64, 65, 71, 82, and 83 as being dependent upon a rejected base claim, but recognized that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Without conceding to the Office's arguments as to the patentability of the rejected base claims, Applicant has amended claims 64, 65, 71, and 82. Claims 64 and 65 have been amended to incorporate the limitations of claim 63. Claim 71 has been amended to

incorporate the limitations of claims 46, 67, and 69. Claims 82 has been amended to incorporate the limitations of claims 80 and 81. Claim 83 has not been amended, as it is dependent on newly amended claim 82. Applicant believes that these claims are ready for allowance and respectfully requests that they be allowed.

#### Rejection of Claims

In the interest of expediting prosecution, and without acquiescing to any objections or rejections made by the Office, Applicant has cancelled claims 46-63, 66-69, 72-78, 80, 81, and 84-91, without prejudice to the further prosecution of the cancelled subject matter or embodiments.

#### **CONCLUSIONS**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the Office can properly withdraw the outstanding claim objections and that the pending claims herein are in condition for allowance. Applicant therefore respectfully requests that the Office withdraw the outstanding claim objections and issue a notice of allowance.

Applicant requests a telephone conference with the undersigned representative to expedite prosecution of this patent application. Applicant's representative can be contacted by telephone at (760) 473-9472.

In the unlikely event a fee calculation document or other pertinent document is separated from this submission and the Office determines that an extension and/or other relief is required, Applicant petitions for any required relief, including extensions of time, and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **50-3473**.

Respectfully submitted,

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By: /Sheryl R. Silverstein/  
Sheryl R. Silverstein  
Reg. No. 47608  
Grant Anderson LLP  
Customer No. 47328  
Telephone: (760) 473-9472